

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEITH RUSSELL JUDD,

Petitioner,

vs.

Civil Action 2:10-CV-731  
Judge Sargus  
Magistrate Judge King

HARLEY G. LAPPIN, et al.,

Respondents.

ORDER

Petitioner, a federal prisoner currently incarcerated at the Federal Correctional Institution in Texarkana, Texas, originally filed a habeas corpus action under 28 U.S.C. §2254 in this Court, challenging a judgment of conviction issued by a state court of New Mexico. Petitioner thereafter filed an *Amended Petition* under 28 U.S.C. §2241, challenging "any future confinement or prosecution [by the United States] under the Gun Control Act, 18 U.S.C. §922(g) at the moment of release from prison. . . ." *Amended Petition*, at 1. On September 7, 2010, this Court dismissed the action for lack of subject matter jurisdiction and declined to order the transfer of the action to a different district. *Opinion and Order*, Doc. No. 7. Final judgment was entered that same date. *Judgment*, Doc. No. 8. Petitioner has filed notices of appeal. *Notice of Appeal*, Doc. Nos. 9, 11, 15, and the Court has declined to issue a certificate of appealability. *Order*, Doc. No. 19. This matter is now before the Court on petitioner's *Application for Class Action Certification*, Doc. No. 20.

This action is no longer pending in this Court. Petitioner's motion to certify a class pursuant to Fed. R. Civ. P. 23, Doc. No. 20, is therefore **DENIED**.

11-22-2010

Date



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Edmund A. Sargus, Jr.  
United States District Judge